

Minutes of a Town Council meeting held on February 4th, A.D. 2015 at 7:00 o'clock PM in the Town Council Chambers, Town Hall, 40 Commons, Little Compton, RI. Members present: Charles N. Appleton, Jr., Fred M. Bodington, III; Paul J. Golembeske. Absent: Gary S. Mataronas and Robert L. Mushen. Also present: Police Chief A. Marion, III, Tom Dunn, Business Manager, William Moore, Building Official/Zoning Zoning Enforcement Officer/DPW Director and Richard S. Humphrey, Town Solicitor.

Pledge to the Flag.

Motion made by Councilor Bodington, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Golembeske): To approve, as written the Town Council meeting minutes of January 21, 2016.

Motion made by Councilor Bodington, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Golembeske): To place on file the Police Official's Department Head Report for December 2015.

Motion made by Councilor Bodington, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Golembeske): To place on file the Maintenance Department Head Report for December 2015.

Motion made by Councilor Bodington, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske): To continue to post for the vacancies on various boards and commissions due to a lack of letters of interest.

Motion made by Councilor Bodington, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Golembeske): Based on the recommendation of the Planning Board the Town Council hereby votes to authorize the submittal of a Draft Hazard Mitigation Plan to RI Emergency Management Agency for review and comments as part of the process to develop a final draft for review and approval from the Federal Emergency Management Agency.

Leonard Lopes, representing Carolyn's Sakonnet Vineyards request a waiver to the recently amended Disturbance of the Peace Ordinance and the newly established Entertainment License Ordinance regarding the 9PM limit of outdoor noise by requesting a hour extension. Mr. Lopes stated that this request was for those contracts entered into prior to the Town Council's deliberations over sound levels and that the Vineyard was not seeking relief for the decibel levels, only seeking relief to allow eight (8) weddings to have bands playing until 10 PM. Mr. Lopes offered to ask the General Manager of the Vineyard for copies of the contracts to confirm they were all entered into prior to the deliberations. He stated that the Vineyard stopped entering into contracts while the Council debated the noise

ordinances.

Public comments:

- **Bill Boudreau – Believes the Vineyard agreed to abide by the new ordinances and is strongly opposed to any waivers. He believes this is another attempt to conduct business as they feel fit rather than abiding by the local regulations.**
- **Miriam Clifford – What is the point of enacting an ordinance if you are not going to enforce it and grant waivers that will effect the entire summer.**
- **Amy Veri – The Vineyard caused this situation through their own actions and feels 8 weddings is two months. She does not feel this is fair to the neighbors who have lived with this problem for 2 years.**
- **Mr. Lopes – Section 6-7.6 allows for exceptions with good cause shown. They are only looking for an hour extension not relief for the decibels.**
- **Natalie Eliason – She finds it hard to feel sorry for the couples who have these contracts. Feels the Vineyard does not care about the neighbors and still worried about the children who can not sleep. They expected that this ordinance would give them peace finally.**
- **Barbara Passmore – Feels asking for an hour relief will turn into more, not confident they will stop at the hour mark.**
- **Cindy Soccio, Esq. – In attendance because she is the mother of a groom who signed a contract for a wedding in July 2016. She feels they are a casualty of this process. They signed a contract more than**

a year ago and due to logistics of where the wedding is compared to the reception can not move their time to an earlier time. She said she has been told the Vineyard has hired an individual to monitor the decibels in order to comply with the ordinance.

- **Paul Clifford** – Feels the Vineyard caused this problem and should have to deal with it internally not seek waivers.

- **Brian Eliason** – He questioned a bride in the audience if stopping an hour earlier was that big of a deal? He feels Mr. Lopes is acting as a lobbyist for his cause and the neighbors are fighting for their rights. He discussed issues relating to the Vineyard such as the lack of approval by the LC Agricultural Conservancy Trust, the issuance of a building permit for a stage and the effect this ordinance is having (in his opinion) on the farmers who he believes should be exempt. He does not want the Council to grant a waiver he feels the ordinance needs to be enforced.

- **Katelyn Falls** – The wedding season is from May to October not two months as has been stated. Her wedding is planned for the back tent further away from the West Main Rd residences and not at the stage area. She plans on stopping the music at the designated plan.

- **Bill Boudreau** – Still upset and asked the Council who they represent the residents or the Vineyard.

- **Mike Steers** – Questioned when the dates of the weddings were? (Mr. Lopes provided a listing for the council to review, which he took back after their review) He believes the Vineyard should have mentioned earlier that these weddings were under contract and they would want waivers.

- Carolyn Montgomery – asking that the waivers not be granted. Feels if you give a variance this will not end.

Councilor Golembeske acknowledged the Council received a bunch of frantic letters from couples concerned with the new restrictions that have been under contract prior to the new ordinances and acknowledges the residents present who are upset with the request for an extension. He opened discussion up with his fellow Councilors.

Notation: dates of eight (8) contracted weddings – May 20, June 25, July 2, 9, 29, Sept. 3, 10, Oct. 8

More comments:

- Bill Boudreau – offered for the Councilors to come stay at one of their homes if they pass this waiver
- Miriam Clifford – this is eight (8) waivers and not an occasional use of the exemption clause
- Brian Eliason – believes the ordinance should stand at 9 PM, not 10 PM
- Paul Clifford – still feels the Vineyard “fowled their own nest”
- Councilor Golembeske – commented that he may lean toward granting a waive for the bride that showed up this evening.
- Leonard Lopes – many couples’s submitted letters and it is a hardship for most couples to travel to this meeting. He feels Al Scartabello mentioned they had existing contracts that would need attention once the ordinance was enacted. He believes these couples

are innocent victims and stressed they are not looking to waive the decibel levels, but simply extend the noise ban by one hour. He also stated that they would adhere to the closure time.

- Natalie Eliason – this is not just one hour it is collectively 8 hours and wants the Town Council to uphold the ordinances.
- Miriam Clifford – gave an example that if someone was speeding would a waiver been granted because it is used to be higher! The Solicitor stated that was not a good parable, but that the ordinance allows for a request for a waiver so this request is not out of order.
- Paul Clifford – wants the Council to show some leadership and uphold the ordinances

Councilor Golembeske acknowledged that the Council had several options, deny, grant all, postpone or grant a single waiver. Councilor Bodington feels the contracts were signed in advance of the ordinances, agrees the Vineyard made this problem himself, but does not feel it is the couples who should bear the burden. He made a motion to grant all eight (8) waivers. This motion never received a second.

- Amy Veri – feels the Vineyard brought this on themselves. She acknowledged that the Vineyard mentioned they had existing contracts, but feels the residence should be heard on this matter and the ordinance upheld.
- Leonard Lopes – asked for the Council to reconsider and grant the one hour waiver.

- **Councilor Appleton – feels the full Council should be present to vote on this matter.**

Motion made by Councilor Appleton, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington) voting opposed Councilor Golembeske: To continue consideration of a request for waivers received from Carolyn's Sakonnet Vineyard concerning the closure time of eight (8) contracted wedding until the March 10, 2016 Town Council meeting in order to allow the full Council to consider the matter.

Motion made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske): To authorize a payment of \$250 to Placing Paws of Tiverton, RI as a donation towards the expenses incurred in the spay/neutering of Little Compton cats, said funds to be paid out of the spay/neuter fund mandated by the State of Rhode Island and derived from dog licenses issued by the Town.

Motion made by Councilor Bodington, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske): To place on file a letter received from Dorothy and Michael King requesting the appeal of a denial by the Board of Tax Assessors and a letter received from the Board of Assessors stating the King abatement request has not been denied and is still under review.

Motion made by Councilor Bodington, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Golembeske): To place on file a letter sent to Mr. Robert Power, Superintendent of Schools from Salve Regina University concerning a program called Leadership Matters, which was forwarded to the Town Council for their knowledge.

Motion made by Councilor Appleton, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske): To grant permission to the United Congregational Church to use the Town Landing on Sunday, March 27, 2016 at 6:30 am for their Easter Sunrise Service.

Walter Elwell submitted a letter of request for the Council to bring the Veteran's Wall on Pikes Peak up to date as it relates to residents who have been in a war or conflict. He also asked if a solar light should be illuminating the American Flag on the Peak. During discussion it was mentioned to Mr. Elwell that he should return to the Council with a list of Veteran's Names and a proposal to update the Veteran's Wall for the Council to consider. The Town Clerk was authorized to review any advertisement Mr. Elwell intends to place on behalf of the Council to secure names of residents from the public regarding this subject. No votes were taken.

Michael Steers expressed concern that a zoning certificate issued by

the Building Official/Zoning Enforcement Officer regarding the Stone House Inn property does not list a number of events historically as having been allowed. The Solicitor noted that he could appeal this certificate if he felt so led, but that the certificate seemed to meet the intent of the ordinances to state what zoning issues were grandfathered at that establishment. Mr. Steers did not feel led to appeal, he simply felt the limitation of weddings should have been listed. The Solicitor stated that an individual needed to wait until they were aggrieved before the matter could be settled.

Motion made by Councilor Bodington, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Golembeske): To place on file a zoning certificate issued for subject property: Stone House Inn, 122 Sakonnet Point Road by the Building Official/Zoning Enforcement Officer.

Motion made by Councilor Bodington, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Golembeske): To place on file consent item #1 - Comments from Brian Eliason regarding building permits, the LC Agricultural Conservancy Trust and Carolyn's Sakonnet Vineyard. Comments are filed in the public comment folder pertaining to noise issues at Carolyn's Sakonnet Vineyard and have additionally been forwarded to the Building Official's Office.

Motion made by Councilor Bodington, receiving a second by

Councilor Appleton, voting in favor (Appleton, Bodington, Golembeske): That the bills be allowed and ordered paid as follows:
\$40,167.22

Paychex of New York, LLC - Treasurer \$342.45

**Xerox Business Services, LLC - RI Historical Records
Funds \$1,299.00**

United Site Services - Transfer Station \$115.00

Atlantic Elevator South Co - Town Hall / Meeting Hall \$280.00

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Petro - Diesel - Public Safety Complex \$314.56

W.B. Mason - Meds Fund \$25.53

W.B. Mason - Meds Fund / Town Hall \$198.92

C.S.&M. Tele-Systems, Inc. - Town Hall \$95.00

Nationalgrid - Lights @ Town Dock \$56.54

Nationalgrid - Lights @ Street Lights \$33.33

Cox Communications - Computer \$70.68

Safeguard - Treasurer \$86.94

WB Mason - Treasurer / Beach / Town Hall / Clerk \$143.59

Home Depot - Public Safety Complex \$8.92

Richard S. Humphrey - Solicitor \$4,083.34

Richard S. Humphrey - Legal Services \$147.25

Richard S. Humphrey - Legal Services \$147.25

Verizon - Wastewater Treatment Facility \$53.77

Edith Marion - Building / Zoning / Planning \$224.00

RIPWA - Highway Dept. \$25.00

Dave Vanancio - Building Dept. \$990.00

Valcourt Heating - Town Hall \$312.50

Medeiros & Sons Construction, Inc. - Highway Dept. \$1,151.05

Helger Bros. Construction & Trucking - Highway Dept. \$4,257.00

Morton Salt, Inc - Highway Dept \$2,221.14

Goulart Petroleum, Inc. - Public Safety \$947.42

Steven K. Reuter Lawn & Landscaping - Civic Rec. \$1,050.00

Steven K. Reuter Lawn & Landscaping - Public Safety \$554.00

Steven K. Reuter Lawn & Landscaping - Civic Rec. \$350.00

David Sisson Contracting - Highway Dept. \$7,483.68

William L. Moore - Building Inspections \$750.00

William L. Moore - Highway Dept. \$446.25

Rob's Auto Care, Inc. - Building Dept. \$439.38

Rob's Auto Care, Inc. - Highway Dept. \$305.56

Rob's Auto Care, Inc. Maintenance Dept. \$2,180.09

Petro - Diesel - Public Safety Complex \$1,214.23

NEACTC - Town Clerk \$25.00

NEACTC - Town Clerk \$15.00

Humphrey's - Town Hall / Highway Dept. \$280.80

Kevin's Auto Parts - Maintenance / Highway Dept. \$134.80

Tom's Lawn and Garden - Maintenance Dept. \$25.53

Tiverton Auto Body - Police Dept. \$100.00

TDME Calibration Labs, Inc. - Police Dept. \$385.00

Rob's Auto Care, Inc. - Police Dept. \$155.00

Rob's Auto Care, Inc. - Police Dept. \$85.00

Rob's Auto Care, Inc. - Police Dept. \$65.00 \$790.00

New England Tech - Drug Forfeiture \$3,335.00

US Funds to IACP - Drug Forfeiture \$150.00

C.S.&M. Tele-Systems, Inc. - Drug Forfeiture \$1,131.82

State of Rhode Island - Drug Forfeiture \$150.00 \$4,766.82

Rob's Auto Care, Inc. - Ambulance Reimbursement \$35.00

Rob's Auto Care, Inc. - Ambulance Reimbursement \$135.00

Firematic Supply Co. Inc. - Ambulance Reimbursement \$742.00

Fire Tech & Safety of New England, Inc. - Ambulance Reim. \$28.95

BoundTree Medical - Ambulance Reimbursement \$38.87

Clinical1 - Ambulance Reimbursement \$195.71

**Firematic Supply Co. Inc. - Ambulance
Reimbursement \$270.37 \$1,445.90**

**Motion made by Councilor Bodington, receiving a second by
Councilor Appleton, voting in favor (Appleton, Bodington,
Golembeske): To adjourn at 8:17 PM.**

Carol A Wordell, Town Clerk